

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YIM, et al.,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

No. 2:18-cv-736-JCC

MOTION FOR LEAVE TO FILE BRIEF
OF GRE DOWNTOWNER LLC AS
AMICUS CURIAE IN SUPPORT OF
PLAINTIFFS' MOTION FOR SUMMARY
JUDGMENT AND IN OPPOSITION TO
DEFENDANT'S CROSS MOTION FOR
SUMMARY JUDGMENT

NOTE ON MOTION CALENDAR:
May 22, 2020

I. INTRODUCTION

GRE Downtowner LLC ("GRE"), a Washington limited liability company, submits this motion for leave to file a brief as *amicus curiae* in support of Plaintiffs' motion for summary judgment and in opposition to Defendants' cross motion for summary judgment. GRE is aware of the Court's Minute Order (Dkt. No. 25) setting November 23, 2018 as the deadline for interested parties to file an *amicus curiae* brief, but it respectfully submits that because Seattle's Fair Chance Housing Ordinance, SMC 14.09 (the "Ordinance") at that time had been effective for less than a year, GRE did not have the data it now believes is relevant to the matters at issue. The Ordinance now has been effective for more than two years, and GRE respectfully submits the Court should have the opportunity to consider the stark change in circumstances for a Seattle landlord who owns

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1 a federally assisted housing project and whose goal is to provide safe, clean, comfortable, stable,
 2 and affordable housing for its tenants.

3 **II. IDENTITY AND INTERESTS OF *AMICUS CURIAE***

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 5 GRE is the owner of a 254-unit apartment building in downtown Seattle called The
 6 Addison on Fourth (“the Addison”). The Addison qualifies for federal low-income housing tax
 7 credits, which means the units are leased to Seattle residents earning up to 60 percent of adjusted
 8 median income and are subject to rent controls. Many tenants pay their rent with Housing Choice
 9 Vouchers (formerly Section 8) and other rental assistance programs. GRE purchased the property
 10 in 2012, invested millions of dollars in renovations that were in part federally funded, and the
 11 project was a notable success from 2013 through 2017. Residents were observant of the rules and
 12 long-term tenants rated highly the quality of the living experience. Over the past two years, that
 13 picture has changed dramatically. Since the Ordinance went into effect, calls to 911 from the
 14 building have more than doubled, fire alarms are set off randomly during the night, employees
 15 have been assaulted, residents have sold drugs from their units, there was a stabbing, and the
 16 hallways are littered with feces, trash, and used needles. Longtime residents are moving out, the
 17 number of evictions has increased substantially, employee turnover is 400 percent, operating
 18 expenses to try to keep the building safe and clean have skyrocketed, and employees now work in
 19 teams because they are afraid to work alone. This has come about since GRE stopped obtaining
 20 criminal background checks for prospective new tenants.

21 The Addison and its owner have been directly affected by the Ordinance. The Addison is
 22 a federally assisted housing project that for several years was economically viable and a going
 23 concern, but now is sustaining material losses so great that GRE may not be able to remain its
 24 owner. To share its unique information and perspective about the Addison with the Court, GRE is
 25 seeking leave to file an *amicus curiae* brief.

III. REASONS WHY GRE'S MOTION SHOULD BE GRANTED

As the Court has acknowledged, district courts have “broad discretion” regarding the appointment of *amici*. See Order (Dkt. No. 49, at 2) (citing *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *abrogated on other grounds by Sandin v. Conner*, 515 U.S. 472 (1995)). District courts frequently welcome *amicus* briefs from non-parties when the briefs “concern[] legal issues that have potential ramifications beyond the parties directly involved” or when an *amicus* “has ‘unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.’” See *id.* (citing *Skykomish Indian Tribe v. Goldmark*, 2013 WL 5720053, slip op. at 1 (W.D. Wash. 2013); accord *Rosas v. Sarbanand Farms, LLC*, No. C18-0112-JCC, 2019 WL 3428663, at *1 (W.D. Wash. July 30, 2019).

The Court should exercise its discretion to permit GRE to file the attached *amicus* brief. As a landlord of federally assisted housing, GRE can provide information and perspective not already provided by the parties and the other *amici*.

IV. CONCLUSION

For the foregoing reasons, the Court should grant GRE's motion, and permit GRE to file its Brief of GRE Downtowner LLC as *Amicus Curiae* in Support of Plaintiffs' Motion for Summary Judgment and in Opposition to Defendants' Cross Motion for Summary Judgment, a copy of which is attached as Exhibit A.

1 DATED: May 7, 2020.

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CERTIFICATE OF SERVICE

I certify that on this day I electronically filed this document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

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